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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,738	02/20/2004	Su-Yuan Chang	BHT-3111-415	3642
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BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041				
EXAMINER				
RUSSELL, WANDA Z				
ART UNIT		PAPER NUMBER		
2616				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/781,738

**Applicant(s)**

CHANG ET AL.

**Examiner**

WANDA Z. RUSSELL

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 7, 8-10, 13, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (WO 03/036889), in view of Sugaya et al. (Pub No. US 2002/0049040), and Bartas (Pub No. US 2005/0060535).

For **claim 1**, Johnston substantially teaches a method ([07], line 1) capable of indicating a communication quality ([07], line 3) and being used in a network transmission system (Fig. 1) having at least a first station ([09], line 2, or near end station, [07], line 2) and a second station ([09], line 4, or far end station, [07], line 2), comprising the steps of:

determining ([07], line 3) the communication quality of the network transmission system according to a data ([07], line 2) transmitted from the first station to the second station ([07], lines 3-4).

However, Johnston fails to specifically teach indicating the communication quality at the second station.

Sugaya et al. teach indicating the communication quality at the second station (when the receiving station confirms a transmission quality, [0091], lines 1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Johnston with Sugaya et al. to obtain the invention as specified, for providing the quality check not only at the transmitting station as usual, but also at the receiving station (second station, or far end station).

However, they fail to specifically teach that the network transmission system further comprises a server capable of interrupting a data transmission between the first and second stations basing on the communication quality.

Bartas teaches wherein the network transmission system further comprises a server ([0009], line 7) capable of interrupting ([0013], lines 13-14. Although it is for protecting data from virus, the process is the same as for quality) a data transmission between the first and second stations basing on the communication quality.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Johnston with Sugaya et al. and Bartas to obtain the invention as specified, for providing the quality check not only at the transmitting station as usual, but also at the receiving station (second station, or far end station), and for the server to provide interruption service basing on the communication quality.

For **claim 2**, Johnston, Sugaya et al., and Bartas teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1, wherein the communication quality is indicated at the second station using a video signal (visual, [06], line 2; LED and a pop-up menu, [56], lines 1-2, and [57], lines 1-2).

For **claim 3**, Johnston, Sugaya et al., and Bartas teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1, wherein the communication quality is indicated at the second station using an audio signal ([06], line 2).

For **claim 4**, Johnston, Sugaya et al., and Bartas teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1 further comprising a step of: issuing a signal to inform users if the communication quality falls below a threshold ([57], line 3).

For **claim 7**, Johnston, Sugaya et al., and Bartas teach everything claimed as applied above (see claim 1). In addition, Johnston teaches the method of claim 1, wherein the data comprises a plurality of packets enabling the second station to be able to evaluate the communication quality between the first and second stations according to the amount of the packets (the number of packets lost, [45], line 9 & lines 8-9).

For **claims 8-10**, they are system claim corresponding to method claim 1-3 respectively, therefore they are rejected for the same reason above.

For **claim 13**, it is a system claim corresponding to method claim 4, therefore it is rejected for the same reason above.

For **claim 14**, it is a system claim corresponding to method claim 7, therefore it is rejected for the same reason above.

3. **Claims 6, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston (WO 03/036889), in view of Sugaya et al. (Pub No. US 2002/0049040), Bartas (Pub No. US 2005/0060535), and Nakayama et al. (U.S. Patent 4,587,516).

For **claim 6**, Johnston, Sugaya et al., and Bartas substantially teach everything claimed as applied above (see claim 1).

However, they fail to specifically teach that the server is capable of recording the communication quality for future reference and inquiry.

Nakayama et al. teach the method of claim 1, wherein the server is capable of recording the communication quality for future reference and inquiry (col. 3, lines 35-36).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Johnston with Sugaya et al., Bartas, and Nakayama et al. to obtain the invention as specified, for future reference and inquiry.

For **claim 12**, it is a system claim corresponding to method claim 6, therefore it is rejected for the same reason above.

#### ***Response to Amendment***

4. Applicant's amendment filed December 26, 2007 has been received and considered. Claims 1, 8, 13, and 14 are amended. Actually in addition to the above amendment, applicant changed the claim 6 from depending on claim 5 to depending on claim 1, and claim 12 from depending on claim 11 to depending on claim 8. Those changes are correct.

Claims 5 and 11 are canceled.

#### ***Response to Arguments***

5. Applicant's arguments filed December 26, 2007 have been fully considered but they are not persuasive.

6. Applicant argues that Sugaya et al. fail to teach "indicating the communication quality at the second station," as recited in Claims 1 and 8. Instead, Sugaya's merely discloses the receiving station transmits a parameter report to the reserving station rather than indicating the communication quality at the second station.

In response, the Examiner respectfully disagrees.

In par. [0091], Sugaya et al. explicitly teach that "the receiving station confirms a transmission quality, if transmission errors occur so that the transmission quality is deteriorated from the predetermined desired quality, then the receiving station transmits a parameter report to the reserving station". It is obvious to a person of ordinary skill in the art that transmitting a parameter report back to the reserving station is an indication of the communication quality at the second (receiving) station.

7. Applicant also argues that the interrupting in Bartas is performed by the second software application, rather than a server.

In response, the Examiner respectfully disagrees.

As stated in the first Office Action, Bartas teaches "The machine host of the system is one of a desktop computer, a router, an embedded system, a laptop computer, or a server" ([0009]).

8. Applicant also argues that In Nakayama the recording is performed by the selection means rather than a server.

In response, the Examiner respectfully disagrees.

Claims have to be given a reasonable broadest interpretation. Server is one of the means as long as it plays the function that the claim describes.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WANDA Z. RUSSELL whose telephone number is (571)270-1796. The examiner can normally be reached on Monday-Thursday 9:00-6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seema S. Rao/  
Supervisory Patent Examiner,  
Art Unit 2616

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Examiner, Art Unit 2616